



BROWN
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AKIMA-DTSV U 1 MAR 2005

Fax
Facsimile

TRANSMITTAL DATE FEBRUARY 15, 2005

THIS TRANSMISSION CONSISTS OF THIS COVER SHEET AND 20 PAGE(S)

ORIGINAL DOCUMENT TO FOLLOW: YES ☐ NO ☒

If you do not receive all pages, please call Office Services at 617.856.8200

FAX NUMBER 703 308 7751.

ATTENTION OF OIPE CUSTOMER SERVICE - U.S. PATENT & TRADEMARK OFFICE

TELEPHONE NUMBER

FROM David J. Ridders

DIRECT DIAL 617.856.8382

C/M/A 21548/5 / 2581

MESSAGE

RE: ATTY. DOCKET NO. 21548/005 - U.S. SERIAL NO. 10/772,073

ATTACHED PLEASE FIND: PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(A).

1329529 v1 - 021548/0005

CONFIDENTIALITY NOTICE

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Alexandra House
Ballsbridge, Dublin 4 IRL
+353 1 224 1710

CityPlace I
Hartford, CT 06103
860 508.6500

8 Clifford Street
London, W1S 2LO UK
+44.20.7851.6000

120 West 45th Street
New York, NY 10036
212.704.0100

121 South Main Street
Providence, RI 02903
401.276.2500

1201 Pennsylvania Ave NW Suite 325
Washington, DC 20004
202.347.2222
FAX 202.347.4213

Docket No. 21548/5 (DGP-005)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reynolds E. Moulton, III Conf. No.: 4526
Application No.: 10/772,073 Group Art Unit: 3643
Filed: February 4, 2004 Examiner: Not yet Assigned
For: SELF-PROPELLED PET TOY

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(A)CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by Facsimile to: 1-703-308-7751, OIPE Customer Service, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By:

Karen L. Corey

Date

February 15, 2005

OIPE Customer Service
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant received a Notice of Abandonment under 37 CFR 1.53(f) or (g) stating that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on 5/10/04. In response to the Notice of Abandonment, Applicant hereby submits a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a).

In support of this Petition, Applicant submits the following as proof that a Response to the Notice to File Missing Parts was timely filed on June 3, 2004:

1. Copy of Notice of Abandonment Under 37 CFR 1.53(f) or (g) (2 pp.);
2. Auto-Reply Facsimile Transmission received from the U.S. Patent & Trademark Office dated June 3, 2004 acknowledging receipt of 11 pages of Response to Notice to File Missing Parts (1 pg.);

Application No.: 10/772,073
Group Art Unit: 3643
Page 2 of 2

3. Copy of Lahive & Cockfield outgoing Fax Confirmation indicating that 11 pages were transmitted to the U.S. Patent and Trademark Office on June 3, 2004;
4. Response to Notice to File Missing Parts, as filed on June 3, 2004 (11 pp.); and
5. Copy of Revocation of Power of Attorney filed on October 12, 2004 (3 pp.).

To ensure that the Examiner has a complete file at the time of action on this case, Applicant also notes that subsequent to the timely-filed Response to Missing Parts, Applicant filed a Revocation of Previous Power of Attorney and a Change of Correspondence Address on October 12, 2004, an Information Disclosure Statement on December 10, 2004, and a Preliminary Amendment on January 21, 2005.

Applicant respectfully requests that the Commissioner consider the present petition which is submitted in order to withdraw the holding of abandonment. No fees are believed to be due, however, please charge Deposit Account No. 500369 for any fee necessary.

Respectfully submitted,

Brown Rudnick Berlack Israels LLP



Date: February 15, 2005

David J. Rikkers, Esq.
Registration No. 43,882
Customer No. 21710
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111
Tel: (617) 856-8382
Fax: (617) 856-8201



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/772,073	02/04/2004	Reynolds E. Moulton III	DGP-005

CONFIRMATION NO. 4526

ABANDONMENT/TERMINATION
LETTER

OC000000015131232

David J. Ridders, Esq.
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111

Date Mailed: 02/08/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/10/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

2134
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Confirmation Report-Memory Send

Time : Jun-03-04 09:39
 Tel line 1 : 6177424214
 Tel line 2 : 6177424214
 Name : LAHIVE & COCKFIELD, LLP

Job number : 110
 Date : Jun-03 09:33
 To : 2#899#17038729306-99
 Document Pages : 11
 Start time : Jun-03 09:33
 End time : Jun-03 09:39
 Pages sent : 11

Job number : 110

*** SEND SUCCESSFUL ***

FAX TRANSMISSION	
DATE:	June 5, 2004
PTO IDENTIFIER:	Application Number 10/772,075-Conf. #0526 Patent Number
INVENTOR:	Reynolds E MOULTON, III
MESSAGE TO:	Office of Initial Patent Examination
FAX NUMBER:	(703) 572-9506
FROM:	LAHIVE & COCKFIELD, LLP David J. Ricker
PHONE:	(617) 227-7400
Attorney Dkt. #:	DGP-005
PAGES (Including Cover Sheet):	11
CONTENTS:	Part 2 Copy of Notice (2 pages); Fee Transmittal, in duplicate (2 pages); Response to Notice to File Missing Parts of Application (2 pages); and Combined Declaration and Power of Attorney (4 pages). Charge \$65.00 to deposit account 12-0080.
<p>If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.</p> <p>This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.</p> <p>LAHIVE & COCKFIELD, LLP 28 State Street, Boston, Massachusetts 02109 Telephone: (617) 227-7400 Facsimile: (617) 742-4214</p>	

FAX TRANSMISSION

DATE: June 8, 2004

PTO IDENTIFIER: Application Number 10/779,073-Conf. #4526
Patent Number

Inventor: Reynolds E. MOULTON, III

MESSAGE TO: Office of Initial Patent Examination

FAX NUMBER: (703) 872-9306

FROM: LAHIVE & COCKFIELD, LLP
David J. Ridders

PHONE: (617) 227-7400

Attorney Dkt. #: DGP-005

PAGES (Including Cover Sheet): 11

CONTENTS: Part 2 Copy of Notice (2 pages);
Fee Transmittal, in duplicate (2 pages);
Response to Notice to File Missing Parts of Application (2 pages); and
Combined Declaration and Power of Attorney (4 pages).
Charge \$65.00 to deposit account 12-0080.

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/772,073	02/04/2004	Reynolds E. Moulton III	DGP-005

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

CONFIRMATION NO. 4526

FORMALITIES LETTER

OC000000012576484

Date Mailed: 05/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

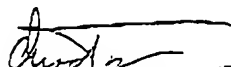
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL **for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **65.00**
Complete if Known

Application Number	10/772,073 Conf. #1526
Filing Date	February 4, 2004
First Named Inventor	Reynolds E. MOULTON, III
Examiner Name	Not Yet Assigned
Att. Unit	N/A
Attorney Docket No.	DGP-003

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

 Deposit Account Number: **12 0080**

 Deposit Account Name: **Lahive & Cockfield, LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee in the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	330	2003	165	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00**
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Fee from below	Fee Paid
Independent Claims		
Multiple Dependent		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	36	2204	18	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) **0.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	62.00
1052	10	2052	5	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	65	Non-English specification	
1812	2,320	1812	2,320	For filing a request for ex parte reexamination	
1304	920*	1304	920*	Requesting publication of SIR prior to examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	320	2252	160	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,280	2254	640	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	180	2502	90	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8071	40	8071	40	Reversing each patent assignment per property (duals number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	1810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	1801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **62.00**
SUBMITTED BY

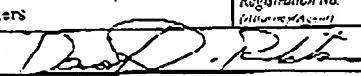
 Name (Print Type) **David J. Rikkers**

Registration No. (Attorney/Agent)

43,882
(Complete if applicable)

 Telephone **(617) 227-7400**

Signature



 Date **June 3, 2004**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 3, 2004

Signature:


 (David J. Rikkers)

COPY

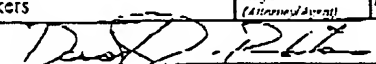
PTO/SB/17 (10-03)

Approved for use through 7/31/2004. OMB 0631-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number: 10/772,073-Conf #4526	
TOTAL AMOUNT OF PAYMENT (\$) 65.00		Filing Date: February 4, 2004	
		First Named Inventor: Reynolds E. MOULTON, III	
		Examiner Name: Not Yet Assigned	
		Art Unit: N/A	
		Attorney Docket No.: DGP 005	

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																		
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or withdrawal</td> <td>65.00</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>710</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Summaries</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Renewing each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.120(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.143(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type): David J. Rikkers	Registration No. (Attorney's Only): 43,882	Telephone: (617) 227-7400	Date: June 3, 2004
Signature: 			

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 3, 2004 Signature:  (David J. Rikkers)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 3, 2004

Signature: 

(David J. Rikkers)

Docket No.: DGP-005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Reynolds E. Moulton, III

Application No. 10/172,073

Filed: February 4, 2004

For: SELF-PROPELLED PET TOY

Confirmation No.: 4526

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted mailed May 10, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney and Part 2 Copy of Notice.

Please charge our Deposit Account No. 12-0080 in the amount of \$65.00 covering the fee set forth in 37 CFR 1.16(e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

Application No.: 10772,073

Docket No.: DGP-005

hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. DGP-005. Applicants request any extensions of time necessary to respond.

Dated: June 3, 2004

Respectfully submitted,

By



David J. Ridders

Registration No.: 43,882

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SELF-PROPELLED PET TOY

the specification of which was filed on February 4, 2004 as Application No. 10/772073.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Lahive & Cockfield, LLP, 28 State Street, Boston, Massachusetts 02109, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

Attorney Docket No.: DGP-005

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/444782	February 4, 2003	<u>x</u> Yes No ___
		___ Yes No ___
		___ Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Attorney Docket No.: DGP-005

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 00959 (listed here):

James E. Cockfield	19,162	Jeremiah Lynch	17,425	Danielle L. Hermit	43,670
Thomas V. Surczynski	24,798	David J. Rikkers	43,382	Cynthia M. Sorros	53,623
Ralph A. Loren	29,325	* Maria Lampropoulou, Ph.D.		Jonathan M. Sparks, Ph.D.	53,624
Giulio A. DeConti, Jr.	31,503	Debra J. Milasincic	46,931	Merideth C. Arnold	52,568
Elizabeth A. Hanley	33,505	David R. Burns	46,590	Peter W. Dini, Ph.D.	52,821
Amy E. Mankragouras	36,207	Sara D. Denevier	42,482	Andrina Williams	54,539
Anthony A. Lauremano	38,220	Cynthia L. Kanik, Ph.D.	37,320	John D. Lanza	40,060
Kevin J. Canning	35,470	Theodore R. West	47,202	Cristin E. Howley, Ph.D.	55,281
Jane E. Renuillard	38,872	Hathaway Pease	46,438	Jill A. Mello, Ph.D.	P55,450
DeAnn F. Smith	36,683	John S. Curran	50,445	Michael J. Bastian, Ph.D.	47,411
Jeanne M. DiGiorgio	41,710	Lisa M. DiRocco	51,619	Christopher J. McKenna	53,305
Megan E. Williams	43,270				

* Limited Recognition Under 37 C.F.R. § 10.90(b)

all of Lahive & Cockfield, LLP, 28 State Street, Boston, Massachusetts 02109, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to David J. Rikkers at Customer Number 00959, whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Attorney Docket No.: DGP-005

Please direct telephone calls to: David J. Rikkers at (617) 227-7400.

Please direct facsimiles to: (617) 742-4214

Full name of sole or first inventor Reynolds E. MOULTON, III	
Sole or first inventor's signature <i>Reynolds Moulton</i>	Date 7.20.04
Residence New York, New York	
Citizenship US	
Mailing Address 105 East 63rd Street #5B New York, New York 10021	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

DAVID J. RIKKERS
direct dial: 617 856-8382
drikkers@brownrudnick.com

October 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Application Serial No. 10/772,073
Filed: February 4, 2004
Applicant: Reynolds E. Moulton, III
Our Ref. No.: 21548/5

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being
Facsimile transmitted to: 1-703-872-9306, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By:

Elsaine E. Fabrizio
Elsaine E. Fabrizio

October 12, 2004

Date

Dear Madam/Sir:

Enclosed please find an executed Revocation of Previous Power of Attorney (1 pg). A
Change of Correspondence Address form is also enclosed.

If you have any questions, please call David J. Rikkers at (617) 856-8382. Thank you for
your assistance.

Sincerely,

BROWN RUDNICK BERLACK ISRAELS LLP

By:

David J. Rikkers
David J. Rikkers, Esq. (Reg. No. 43,882)
One Financial Center
Boston, MA 02111
Tel: 617-856-8382
Fax: 617-856-8201
Customer No. 21710

DJR/eef
Attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POWER OF ATTORNEY (and REVOCATION OF PREVIOUS POWER OF ATTORNEY)

Docket No. 21548/5

Application No.: 10/772,073
Filing Date: February 4, 2004
Entitled: SELF-PROPELLED PET TOY

Owner: Dogmatic Pet Products, Inc.
Address: 158 Summit Street
Brooklyn, NY 11231
US

TO THE COMMISSIONER FOR PATENTS

Honorable Sir:

I hereby appoint:

Brian L. Michaelis Reg. No. 34,221
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as principal attorneys to prosecute this application, to transact all business in the Patent and Trademark Office connected with the above-referenced patent application. Applicant hereby revokes all previous powers of attorney associated with this application. Kindly note that the address of the owner has been changed.

Please direct all future correspondence to:

David J. Rikkers
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Dogmatic Pet Products, Inc.

By: Reynolds E. Moulton, III

Name: Reynolds E. Moulton, III

Dated: 9.22.04

PATENT

Attorney Docket No.: 21548/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Reynolds E. Moulton, III Confirmation No.: 4526
SERIAL NO.: 10/772,073 Art Unit No.: 3643
FILED: February 4, 2004 Examiner: Not Yet Assigned
FOR: SELF-PROPELLED PET TOY

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being
Facsimile transmitted to: 1-703-872-9306, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: Elaine E. Fabrizio
Elaine E. Fabrizio

October 12, 2004
Date

Commissioner for Patents
P.O. Box 1450
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CHANGE OF CORRESPONDENCE ADDRESS

Sir:

Please send all future correspondence for this application to:


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A Revocation of Previous Power of Attorney is also enclosed with this form.

Respectfully submitted,



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